

## TWELFTH DIVISION

[ CA-G.R. CR No. 35912, May 07, 2014 ]

**JAMES PAVON, PETITIONER, VS. PEOPLE OF THE PHILIPPINES,  
RESPONDENT.**

### D E C I S I O N

**DICDICAN, J.:**

Before us is a Petition for Review<sup>[1]</sup> filed by petitioner James Pavon ("petitioner") pursuant to Rule 42 of the 1997 Revised Rules of Court seeking to annul and set aside the Decision<sup>[2]</sup> rendered by Branch 218 of the Regional Trial Court of the National Capital Judicial Region in Quezon City ("lower court") on July 5, 2013 in Criminal Cases Nos. GL-Q-12-177756-57 which, *inter alia*, affirmed with modification the Judgment<sup>[3]</sup> that was promulgated by Branch 43 of the Metropolitan Trial Court of Quezon City ("MTC") on June 11, 2012 in Criminal Cases Nos. 121217-18.

The material and relevant facts of the case, as culled from the record, are as follows:

The instant case stemmed from two (2) separate informations that were filed in the MTC against herein petitioner for violation of Batas Pambansa Bilang 22. Upon being arraigned of the charges against him, herein petitioner pleaded not guilty to both charges. Subsequently, a preliminary conference was conducted wherein both parties stipulated on the following matters, to wit:

1. The identity of the petitioner (accused therein); and
2. The jurisdiction of the MTC over the person of herein petitioner, as well as the subject matter of the instant case.

Trial on the merits of said cases ensued thereafter.

During the trial, the prosecution adduced in evidence the lone testimony of the private complainant himself, Lim Yee Tong ("private complainant"). In his testimony, the private complainant stated that he was the proprietor of Intramuros Construction Supply which is engaged in the business of selling hardware materials. During the course of his business, the private complainant averred that herein petitioner purchased construction supplies from him in the total amount of Two Hundred Thousand Pesos (Php200,000.00), for which the petitioner issued in his favor the following two (2) postdated Equitable Bank checks:

1. Check No. 0123-097984 dated March 25, 1998 in the amount of Php100,000.00; and
2. Check No. 0123-097983 dated March 29, 1998 in the amount of Php100,000.00.

When the aforementioned checks were presented to the drawee bank for payment, however, both checks were dishonored for the reason that the bank account of the petitioner had been closed. In a Letter<sup>[4]</sup> dated March 1, 2002, the private complainant, through counsel, demanded that herein petitioner pay the amount of the dishonored checks within five (5) days from the receipt of the aforesaid demand letter. However, despite his receipt of the demand letter, the petitioner still failed and refused to pay the said obligation, thereby prompting the private complainant to file a complaint in the MTC against the petitioner for violation of Batas Pambansa Bilang 22.

For his part, the petitioner vehemently denied the private complainant's allegation that he failed and refused to pay the amount representing the dishonored checks to the former. On the contrary, he asseverated that he was able to settle his obligation with Intramuros Construction Supply by issuing forty (40) checks to one Judy Lim, the wife of the private complainant, in the total amount of Three Hundred Thousand Pesos (Php300,000.00). According to the petitioner, the aforementioned checks, which were made "payable to C" or "cash", were issued by him after the two (2) checks which are the subject matter of this case were dishonored pursuant to an agreement with the private complainant that his loan obligation would be restructured. Moreover, the petitioner claimed that the amount of Php300,000.00 included the interest on his principal obligation to the private complainant in the sum of Php200,000.00. Consequently, in view of the payment of the amount of the two (2) checks which were the subject matter of the instant complaint, the petitioner submitted that the said action against him for violation of B.P. 22 must be dismissed.

On June 11, 2012, the MTC rendered a judgment the decretal portion of which reads:

"WHEREFORE, premises considered, this Court finds accused James Pavon, GUILTY beyond reasonable doubt of violation of Batas Pambansa Bilang 22, otherwise known as the Bouncing Checks Law and hereby sentences him to suffer imprisonment of six (6) months for each count. Likewise, he is hereby ordered to pay the private complainant Lim Yee Tong, the amount of Php200,000.00 representing the total value of the subject checks with interest at six (6%) percent per annum reckoned from March 01, 2002, the date of demand until fully paid, and to pay the costs of suit.

"SO ORDERED."

Undaunted by the foregoing disposition of the MTC, the petitioner filed an appeal in the lower court contending that the MTC erred in finding him guilty beyond reasonable doubt of violation of Batas Pambansa Blg. 22 (B.P. Blg. 22). Petitioner insisted in the said appeal that the acceptance by Judy Lim of the forty (40) checks, each in the amount of Seven Thousand Five Hundred Pesos (Php7,500.00), redounded to the benefit of Intramuros Construction Supply in that the said checks were subsequently deposited in the account of the aforementioned business enterprise of the private complainant.

On July 5, 2013, the lower court rendered its assailed decision on appeal the pertinent portion of which states: